

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAEVON JAMELL LOVE,

Petitioner,

v.

WARDEN,

Respondent.

Case No. 2:22-cv-01963-KJM-JDP (PC)

ORDER

GRANTING PETITIONER'S MOTION
FOR DISCOVERY

ECF No. 18

Petitioner has filed a motion for discovery, ECF No. 18, seeking an order directing his former counsel to turn over his case file. *Id.* at 2. Petitioner argues that information in this case file is necessary to prove that his habeas claims are meritorious. *Id.* There is no right to discovery in habeas proceedings. *Rich v. Calderon*, 187 F.3d 1064, 1068 (9th Cir. 1999) (“A habeas petitioner does not enjoy the presumptive entitlement to discovery of a traditional civil litigant.”). Rather, a petitioner must show good cause by putting forth specific allegations that give the court reason to believe that, if they were fully developed, he might be able to show an entitlement to relief. *Bracy v. Gramley*, 520 U.S. 899, 908-909 (1997). Although petitioner has not offered specifics as to what information in his case file is necessary to meet his burden of proof, I will grant his motion out of an abundance of caution. I will direct that the Clerk of Court send him a blank subpoena form so that he may obtain his case file. Petitioner must complete that form with all of the required information as to his former counsel and the case file and return it to

1 the court for service by the United States Marshal.

2 Accordingly, it is ORDERED that:

- 3 1. Petitioner's motion for discovery, ECF No. 18, is GRANTED.
- 4 2. The Clerk of Court shall send petitioner a blank subpoena form with this order. Petitioner
- 5 must return the completed subpoena form to the court within twenty-one days. Once the
- 6 subpoena is served, I will allow petitioner an opportunity to file a brief with any new,
- 7 relevant information and also provide respondent an opportunity to address that briefing.

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9 IT IS SO ORDERED.

10 Dated: June 4, 2024

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12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE

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